

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY D. LADENDORF, State Bar No. 52548
Supervising Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2063
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF PSYCHOLOGY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 JON D. MCGANN, PH.D.
1565 Hotel Circle South, Ste. 350
14 San Diego, CA 92108

15 Psychologist License No. PSY 16706

16 Respondent.
17

Case No. W249

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about January 29, 2003, Complainant Thomas S. O'Connor, in his
20 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
21 Affairs, filed Accusation No. W249 against JON D. MCGANN, Ph.D. (Respondent) before the
22 Board of Psychology.

23 2. On or about February 29, 2000, the Board of Psychology (Board) issued
24 Psychologist License No. PSY 16706 to Respondent. The Psychologist License expired on
25 September 30, 2001, and has not been renewed.

26 3. On or about January 29, 2003, Mary Laackman, an employee of the
27 Complainant Agency, served by Certified Mail a copy of the Accusation No. W249, Statement to
28 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,

1 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1565
2 Hotel Circle South, Ste. 350, San Diego, CA 92108. A copy of the Accusation, the related
3 documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by
4 reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about January 31, 2003, the green receipt card was received by the
8 Board from the U.S. Postal Service. The green receipt card was signed indicating receipt of the
9 above-mentioned documents mailed to respondent at his address of record. A copy of the postal
10 returned receipt card is attached hereto as "Exhibit B," and incorporated as if fully set forth
11 herein.

12 6. Business and Professions Code section 118 states, in pertinent part:

13 "(b) The suspension, expiration, or forfeiture by operation of law of a license
14 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
15 board or by order of a court of law, or its surrender without the written consent of the board, shall
16 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
17 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
18 any ground provided by law or to enter an order suspending or revoking the license or otherwise
19 taking disciplinary action against the license on any such ground."

20 7. Government Code section 11506 states, in pertinent part:

21 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
23 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
24 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

25 8. Respondent failed to file a Notice of Defense within 15 days after service
26 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
27 Accusation No. W249.

28 ///

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A and B finds that the allegations in Accusation No. W249 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent JON D. McGANN, Ph.D. has subjected his Psychologist License No. PSY 16706 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Psychology is authorized to revoke Respondent's Psychologist License based upon the following violation alleged in the Accusation:

Business and Professions Code section 2960(m) - Suspension of License by Another State.

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ORDER

IT IS SO ORDERED that Psychologist License No. PSY 16706, heretofore issued to Respondent JON D. McGANN, Ph.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 24, 2003.

It is so ORDERED April 24, 2003



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
PAMELA HARMELL, Ph.D., PRESIDENT

Attachments:

Exhibit A: Accusation No. W249, Related Documents, and Declaration of Service
Exhibit B: Green Card Receipt

DOJ docket number: 03598160-SD2003AD0021

Exhibit A

Accusation No. W249,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY D. LADENDORF, State Bar No. 52548
Supervising Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2063
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO January 29 20 03
BY M. J. Ackmann ANALYST

9
10 **BEFORE THE**
BOARD OF PSYCHOLOGY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. W249.

13 JON D. MCGANN, PH.D.
1565 Hotel Circle South, Ste. 350
14 San Diego, CA 92108

A C C U S A T I O N

15 Psychologist License No. PSY 16706

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

20 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
22 Affairs.

23 2. On or about February 29, 2000, the Board of Psychology issued
24 Psychologist License No. PSY 16706 to JON D. McGANN, Ph.D. (Respondent). The
25 Psychologist License No. PSY 16707 expired on September 30, 2001, and has not been renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Psychology (Board),
3 Department of Consumer Affairs under the authority of the below mentioned statutes and
4 regulations.¹

5 4. Section 2960 of the Code states:

6 The board may refuse to issue any registration or license, or may issue a
7 registration or license with terms and conditions, or may suspend or revoke the
8 registration or license of any registrant or licensee if the applicant, registrant, or licensee
9 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
10 be limited to:

11 (m) The suspension, revocation or imposition of probationary conditions by
12 another state or country of a license or certificate to practice psychology or as a
13 psychological assistant issued by that state or country to a person also holding a license or
14 registration issued under this chapter if the act for which the disciplinary action was taken
15 constitutes a violation of this section.

16 5. Section 118, subdivision (b), of the Code provides that the expiration of a
17 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
18 period within which the license may be renewed, restored, reissued or reinstated.

19 COST RECOVERY

20 6. Section 125.3 of the Code states, in pertinent part, that the Board may
21 request the administrative law judge to direct a licentiate found to have committed a violation or
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
23 and enforcement of the case.

24 ///

25 ///

26
27 _____
28 1. All statutory references are to the Business and Professions Code (Code) unless
otherwise indicated.

1 CAUSE FOR DISCIPLINE

2 (Suspension of License By Another State)

3 7. Respondent is subject to disciplinary action under Code section 2960(m)
4 in that his Pennsylvania Psychologist's License No. PS-004948-L was suspended. The
5 circumstances are as follows:

6 On or about April 22, 2002, the Pennsylvania State Board of Psychology
7 issued a Consent Agreement and Order ordering respondent's Pennsylvania's
8 Psychologist's License No. PS-004948-L suspended indefinitely for a minimum
9 period of five years for engaging in a dual relationship and/or sexual intimacies,
10 an exploitive relationship and unprofessional conduct with a client.

11 PRAYER


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Psychology issue a decision:

14 1. Revoking or suspending Psychologist License No. PSY 16706, issued to
15 JON D. McGANN, Ph.D.;

16 2. Ordering JON D. McGANN, Ph.D. to pay the Board of Psychology the
17 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
18 the costs of probation monitoring;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: January 29, 2003

21
22 
23 THOMAS S. O'CONNOR
24 Executive Officer
25 Board of Psychology
26 Department of Consumer Affairs
27 State of California
28 Complainant

03598160-SD2003AD0021

psych/mcgann-acc

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY D. LADENDORF, State Bar No. 52548
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9 **BEFORE THE**
BOARD OF PSYCHOLOGY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 JON D. MCGANN, PH.D.

14 Respondent.

Case No. W249

15 **STATEMENT TO RESPONDENT**

[Gov. Code §§ 11503, 11505, subd. (b)]

16 **TO RESPONDENT:**

17 Enclosed is a copy of the Accusation that has been filed with the Board of
18 Psychology of the Department of Consumer Affairs (Board), and which is hereby served on you.

19 Unless a written request for a hearing signed by you or on your behalf is delivered
20 or mailed to the Board, represented by Supervising Deputy Attorney General Barry D.
21 Ladendorf, within fifteen (15) days after a copy of the Accusation was personally served on you
22 or mailed to you, you will be deemed to have waived your right to a hearing in this matter and
23 the Board may proceed upon the Accusation without a hearing and may take action thereon as
24 provided by law.

25 The request for hearing may be made by delivering or mailing one of the enclosed
26 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided
27 in section 11506 of the Government Code, to
28

Barry D. Ladendorf
Supervising Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, California 92101

P.O. Box 85266
San Diego, California 92186-5266.

You may, but need not, be represented by counsel at any or all stages of these proceedings.

The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

If you file any Notice of Defense within the time permitted, a hearing will be held on the charges made in the Accusation.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the Office of Administrative Hearings, 1350 Front Street, Suite 6022, San Diego, California 92101, within ten (10) working days after you discover the good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in section 11507.6 of the Government Code in the possession, custody or control of the Board you may send a Request for Discovery to the above designated Supervising Deputy Attorney General.

NOTICE REGARDING STIPULATED SETTLEMENTS

It may be possible to avoid the time, expense and uncertainties involved in an administrative hearing by disposing of this matter through a stipulated settlement. A stipulated

1 settlement is a binding written agreement between you and the government regarding the matters
2 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
3 Board of Psychology but, once approved, it would be incorporated into a final order.

4 Any stipulation must be consistent with the Board's established disciplinary
5 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the
6 Board's Disciplinary Guidelines is enclosed.

7 If you are interested in pursuing this alternative to a formal administrative
8 hearing, or if you have any questions, you or your attorney should contact Supervising Deputy
9 Attorney General Barry D. Ladendorf at the earliest opportunity.

10 *****

11 BDL:ckk
12 statement to respondent.wpt 7/24/01
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COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JON D. MCGANN, PH.D.

Respondent.

Case No. W249

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY D. LADENDORF, State Bar No. 52548
Supervising Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2063
Facsimile: (619) 645-2061

7 Attorneys for Complainant
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9 **BEFORE THE**
BOARD OF PSYCHOLOGY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 JON D. MCGANN, PH.D.

14 Respondent.

Case No. W249

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

15
16 TO RESPONDENT:

17 Under section 11507.6 of the Government Code of the State of California, parties
18 to an administrative hearing, including the Complainant, are entitled to certain information
19 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
20 Government Code concerning such rights is included among the papers served.

21 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
22 ARE HEREBY REQUESTED TO:

- 23 1. Provide the names and addresses of witnesses to the extent known to the
24 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
25 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
26 the following in the possession or custody or under control of the Respondent:
27 a. A statement of a person, other than the Respondent, named in the initial
28 administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by
4 any party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and
6 of other persons having personal knowledge of the acts, omissions or events which are
7 the basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be
11 admissible in evidence, including but not limited to, any patient or hospital records
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names
15 and addresses of witnesses or of persons having personal knowledge of the acts,
16 omissions or events which are the basis for the proceeding, or (2) reflect matters
17 perceived by the investigator in the course of his or her investigation, or (3) contain or
18 include by attachment any statement or writing described in (a) to (e), inclusive, or
19 summary thereof.

20 For the purpose of this Request for Discovery, "statements" include written
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
23 and written reports or summaries of these oral statements.

24 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
25 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
26 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
27 work product.

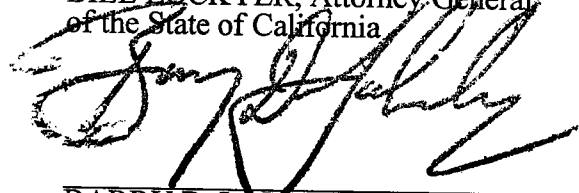
28 ///

1 Your response to this Request for Discovery should be directed to the undersigned
2 attorney for the Complainant at the address on the first page of this Request for Discovery within
3 30 days after service of the Accusation.

4 Failure without substantial justification to comply with this Request for Discovery
5 may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30
6 of the Government Code.

7 DATED: 1-22-03

8 BILL LOCKYER, Attorney General
9 of the State of California

10 

11 BARRY D. LABENDORF
12 Supervising Deputy Attorney General

13 Attorneys for Complainant

14 BDL:ock

15 Req for discover.wpt 10/31/00

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
Against:

Jon D. McGann, Ph.D

No. : W246

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22, Sacramento, California 95825. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7; NOTICE OF DEFENSE (2 COPIES); REQUEST FOR DISCOVERY AND DISCIPLINARY GUIDELINES

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Jon D. McGann, Ph.D.
1565 Hotel Circle South, Suite 350
San Diego, CA 92108

7001 1940 0001 2974 8061

Barry D. Ladendorf
Office of the Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

Each said envelope was then, on January 29, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, January 29, 2003, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

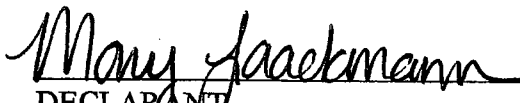

DECLARANT
Mary Laackmann
Enforcement Analyst

Exhibit B
Green Card Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jon D. McGann, Ph.D. □□□□
1565 Hotel Circle South, Suite 350
San Diego, CA 92108

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Kathy Davis☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1-31-03

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

1. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 1940 0001 2974 8061

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

ACC 02 138469

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Jon D. McGann, Ph.D.

No. : W249

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

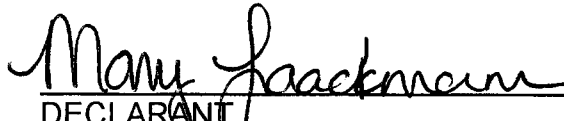
Jon D. McGann, Ph.D.
1565 Hotel Circl South, Ste. 350
San Diego, CA 92108

7000 0520 0021 8424 3219

Barry D. Ladendorf
Supervising Deputy Attorney General
110 West A Street, Suite 1100
P.O. Box 85266
San Diego, CA 92186-5266

Each said envelope was then on, April 24, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, April 24, 2003, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst